

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA,

v.

KRANSTON DESHAWN MOULTRIE, :

Defendant

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5:04-CR-35 (WDO)

ORDER

This matter is before the Court on Defendant's motion for a free copy of his file so that he may prepare a habeas corpus petition. Defendant Moultrie is required to pay 10 cents per page for anything he wishes to have copied and mailed to him. Because Defendant has not yet filed a habeas action, and has not had a judge determine whether the same is frivolous or with arguable merit, his request for a free copy of his file is DENIED. See Skinner v. United States, 434 F.2d 1036 (5th Cir. 1970) ("where a federal prisoner has not attempted to file a petition collaterally attacking his conviction, he is not entitled to obtain copies of court records at the government's expense under 28 U.S.C. 2255 to search the record for possible error"); Hansen v. United States, 956 F.2d 245, 248 (11th Cir. 1992) ("a prisoner is entitled to access to the court files only after he has made a showing that such files are necessary to the resolution of an issue or issues he has presented in a non-frivolous pending collateral proceeding").

Defendant Moultrie is instructed to notify the Clerk of Court's office regarding copies of files within the Clerk's office (such as motions and orders filed with the Court), or the Court reporter for items in his/her office (such as transcripts from recorded hearings), and

state exactly what Defendant wants copied. The Clerk of Court will thereafter notify Defendant Moultrie how much to remit for the entire copying request. Defendant may thereafter remit that amount to the Clerk of Court and the copies will be made and mailed to Defendant after payment is received.

SO ORDERED this 8th day of November, 2006.

**S/
WILBUR D. OWENS, JR.
UNITED STATES DISTRICT JUDGE**